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Art Unit To be assigned

Attn: Mail Stop Amendment

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U.S. Utility Patent Application

(U.S. Nat'l Phase of PCT/US2004/039024; Int'l Filing Date: November 19, 2004)

Appl. No. 10/580,134; § 371 Date: May 30, 2007

Novel Phosphorus-Containing Thyromimetics

Inventors: ERION et al.

Our Ref: 2358.0080002/RWE

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. First Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
- 2. One page of Form PTO/SB/08A listing documents 431-440 and 447;
- 3. One page of Form PTO/SB/08B listing documents 441-446;
- 4. Copies of cited documents 435-444; and
- 5. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

RWE/GAL/lam **Enclosures**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Erion et al.

Appl. No.: 10/580,134 (U.S. Nat'l Phase

of PCT/US2004/039024)

§ 371 Date: May 30, 2007

Novel Phosphorus-Containing

Thyromimetics

Confirmation No.: 9214

Art Unit:

1626

Examiner:

To be assigned

Atty. Docket: 2358.0080002/RWE

First Supplemental Information Disclosure Statement **Under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

J

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on May 19, 2006 in connection with the above-captioned application.

Copies of documents 435 to 444 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, documents 431 to 434 and 447, cited on the attached IDS Form PTO/SB/08A are not submitted. In addition, copies of documents 445 to 446 are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system."

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents 437 cited on Form PTO/SB/08A:

Document 437, WO 02/079181 A1, is in the German language. An English language abstract of document 437 is located on the face page of this document. In addition, document 447, United States Patent No. 7,015,246 B2, is believed to be an English language equivalent of document 437.

Applicants' would also like to bring to the attention of the Examiner that, for the following documents, the publication date or publication number was incorrectly cited on the Information Disclosure Statement filed on May 19, 2006 for the captioned application:

Document 438, WO 2005/027895, is the equivalent of document 170, WO 2005/021895, previous submitted. The citation of document 438 contains a corrected publication number.

Document **442**, Ye *et al.* (March 2003), is the equivalent of document **422**, Ye *et al.* (April 2003), previously submitted. The citation of document 442 contains a corrected publication month.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the

effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

Application No. 11/137,773, inventors Erion *et al.*, filed May 26, 2005, published on March 2, 2006 as US 2006/0046980 A1 (Document **434**);

Application No. 11/816,774, inventors Erion *et al.*, filed August 21, 2007, pending (Document 445); and

Application No. 11/842,067, inventors Erion et al., filed August 20, 2007, pending (Document 446).

The identification of these applications is not to be construed as a waiver of secrecy as to the applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

Date: April 30, 2008

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